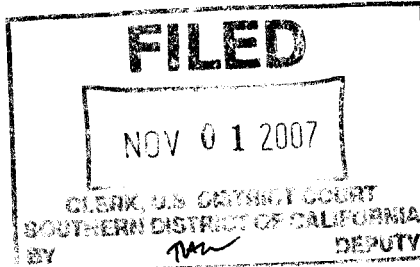


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5 UNITED STATES DISTRICT COURT  
6 SOUTHERN DISTRICT OF CALIFORNIA


'07 MJ 8894

7 UNITED STATES OF AMERICA, ) Magistrate's Case No.:  
8 Plaintiff, ) COMPLAINT FOR VIOLATION OF  
9 v. ) Title 21, U.S.C., § 841(a)(1)  
10 Ruben SANDOVAL-Cota, ) Possession with Intent to  
11 Defendant. ) Distribute (Felony)  
12 )

13 The undersigned complainant being duly sworn states:

14 That on or about October 30, 2007, within the Southern District  
15 of California, defendant Ruben SANDOVAL-Cota did knowingly and  
16 intentionally possess, with intent to distribute approximately 421.8  
17 kilograms (929.9 pounds) of marijuana, Schedule I Controlled  
18 Substance, in violation of Title 21, United States Code, Section  
19 841(a)(1).

20 And the complainant states that this complaint is based on the  
21 attached Statement of Facts, which is incorporated herein by  
22 reference.

23   
CRAIG MOORE, SPECIAL AGENT  
Drug Enforcement Administration

24 SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS 1<sup>st</sup> DAY OF  
25 NOVEMBER, 2007.

26   
27 PETER C. LEWIS  
28 UNITED STATES MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA  
2 v.  
3 Ruben SANDOVAL-Cota

4 STATEMENT OF FACTS

5 I, DEA Task Force Officer (TFO) Craig Moore, declare under  
6 penalty of perjury, the following statement is true and correct:

7 On October 30, 2007, U. S. Border Patrol Agent Louay Naoufal was  
8 performing his official duties at the U.S. Border Patrol Checkpoint  
9 located on Highway 111, north of Niland, California. Agent E.  
10 Gonzalez was also working the pre-primary inspection area with his  
11 canine. A semi-tractor trailer approached the primary inspection. As  
12 the vehicle stopped at primary, Agent Gonzalez and his assigned canine  
13 began to perform an exterior sniff of the tractor trailer. The canine  
14 alerted to the rear of the trailer. Agent Naoufal asked the driver  
15 for consent to look inside the rear side boxes of the trailer. The  
16 driver, later identified as Ruben SANDOVAL-Cota, consented to the  
17 search of the trailer. SANDOVAL-Cota appeared hesitant as he  
18 approached the boxes at the rear of the trailer and, as he opened the  
19 side boxes up, he quickly shut the doors as if in a hurry to leave.  
20

21 SANDOVAL-Cota was directed to the secondary inspection area. The  
22 canine alerted to the far right tool box on the trailer. Agent  
23 Gonzalez asked SANDOVAL-Cota if he could look in the box and SANDOVAL  
24 stated the box was locked. Observing that there was no lock on the  
25 box, BPA Gonzalez again asked SANDOVAL-Cota if he could look in the  
26 box. SANDOVAL went to the front of the trailer to retrieve a tool to  
27 release the straps securing the box. Once the straps were released,  
28  
29

1 Agent Gonzalez opened the box, discovered bundles of material wrapped  
2 in gray duct tape and could smell the odor of marijuana.

3 A further search of the boxes on the flatbed trailer revealed  
4 bundles of a green, leafy substance consistent with the first opened  
5 box. Agents seized a total of 48 bundles containing a green leafy  
6 substance which field tested positive for the presence of marijuana.  
7 The total weight of the packages was 421.8 kilograms (929.9 pounds) of  
8 marijuana.

9 U. S. Border Patrol Agents notified the Drug Enforcement  
10 Administration (DEA). DEA Special Agent Gerard Jernegan and Task Force  
11 Officer Craig Moore responded to the Highway 111 U.S. Border Patrol  
12 Checkpoint.

13 Agent A. Leon, read SANDOVAL-Cota his Miranda rights in Spanish  
14 from a Drug Enforcement Administration 13a Card. SANDOVAL-Cota  
15 acknowledged he understood his rights and agreed to waive his rights  
16 and answer questions without the presence of an attorney. SANDOVAL-  
17 Cota stated he was driving a load of machinery parts from Phoenix,  
18 Arizona, to the Coachella Valley area north of Highway 111. However,  
19 SANDOVAL-Cota stated he stopped at a rest area in Welton, Arizona, and  
20 was approached by several men in two pickup trucks. These men wanted  
21 him to transport an unknown cargo in several metal boxes to the Luvs  
22 Truck Stop in Coachella. SANDOVAL-Cota also stated he was to be paid  
23 \$400.00 for this service. SANDOVAL-Cota claims he did not know the  
24 contents of the boxes and did not want to give any further details  
25 about the incident because he was afraid for his life and concerned  
26 for the safety of his family.  
27  
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29